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| 7590 12/01/2005 | | | EXAMINER | |
| Fish and Richardson P C Suite 5000 1717 Main Street Dallas, TX 75201 | | | MORGAN, ROBERT W | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,242

Applicant(s)

VAID, RAHUL R.

Examiner

Robert W. Morgan

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 17-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/10/05 has been entered.

Notice to Applicant

2. In amendment filed 10/10/05, the following has occurred: Claims 1, 3, 6 and 8-16 have been amended, claims 17-33 have been withdrawn and claims 34-75 have been canceled. Now claims 1-16 are presented for examination.

Claim Rejections - 35 USC § 101

3. The rejection under 35 USC § 101 has been withdrawn by the Examiner.

Claim Rejections - 35 USC § 112

4. The rejection under 35 USC § 112 has been withdrawn by the Examiner.

Specification

5. The amendment filed 10/10/05 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The newly added recitation of "generate signals used to present actual flight offered by the participating airlines available for selection by the customer based on the geographic and

Art Unit: 3626

non-graphic flight parameters stored in the record” within claim 1 appears to constitute new matter. In particular, Applicant does not point to, nor was the Examiner able to find, any support for generate signals used to present actual flight offered by the participating airlines within the specification as originally filed. As such, Applicant is respectfully requested to clarify the above issues and to specifically point out support for the newly added limitations in the originally filed specification and claims.

Applicant is required to cancel the new matter in the reply to this Office action.

6. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 3626

7. The specification is objected to under 35 U.S.C. § 112, first paragraph, because the specification, as originally filed, does not provide support for the invention as is now claimed for the reasons given in section 5 above.

Claim Rejections - 35 USC § 112

8. Claim 1-16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention and for the reasons set forth in the objection to the specification above.

Claims 2-16 incorporate the deficiencies of independent claim 1 through dependency, and are also rejected.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-11 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,897,620 to Walker et al. in view of "Hawaiian Air to Offer Tickets Through ATMs" by Wall Street Journal.

As per claim 1, Walker et al. teaches a pre-paid airline ticket comprising a record of an advance-purchase of an airline ticket for a fixed price to be utilized by a customer to book a flight, the pre-paid airline ticket including an identifier, the identifier uniquely identifying the

Art Unit: 3626

pre-paid airline ticket and operable to be utilized by the customer to book a flight, and, associated with identifier, a plurality of geographic flight parameters and a plurality of non-geographic flight parameters, at least one of the plurality of geographic flight parameter being unspecified. These limitations are met by the unspecified-time ticket that includes receiving identification of flight information such as destination location and departure times, special fares and also receiving information regarding booking a ticket at the special fares (see: column 3, lines 1-11). In addition, Walker et al. teach a CPU (305, Fig. 3) that is coupled to an electronic mail processor (322, Fig. 3) for processing and storing e-mail message transmitted between the CPU (305, Fig. 3) and the various travel agents, airlines and the like (see: column 7, lines 61-65). Furthermore, Walker et al. teach that the processor communication with a memory device, and the processor is configured to: create a list for air travel, make special fare list available, determine which flight satisfy the user request, select a particular flight and provide notification of flight information (see: column 22, lines 32-47). In an alternative embodiment, Walker et al. also teaches traveler could receive a verification code and use it to pick up a ticket at the airline's desk prior to departure (see: column 15, lines 46-49).

Walker et al. fails to teach an identifier associated with the uniquely identifying the record for the customer to user to exercise the pre-paid, fixed price option.

Wall Street Journal teaches that Hawaiian Air plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons through the bank's ATMs 24 hours a day using a card issued by the bank or a major credit card (see: paragraph 4). Furthermore, the coupon or "open ticket" will be valid for a year and will cost the same as those purchase from the airline or travel agency. The customer will need to contact Hawaiian Air to reserve space on their desired flight

Art Unit: 3626

(see: paragraph 4). Since Hawaiian Air is issuing “open tickets” which are valid for year the skilled artisan expects an “open ticket” to include an identifier identifying the pre-paid airline ticket and operable to be utilized by the customer to book a flight.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Hawaiian Air’s “open tickets” as taught by the Wall Street Journal within the unspecified-time airline ticket as taught by Walker et al. with the motivation of providing the customer with a method to purchasing advanced open tickets to allow utmost flexibility thereby better accommodating the traveler.

As per claim 2, Walker et al. teaches the claimed wherein the identifier comprises an alpha-numeric sequence. This feature is met by the seat allocation database (245, Fig. 2) that includes each flight identified by a flight number with a departure date (see: column 10, lines 7 15).

As per claim 3, Walker et al. teaches the claimed plurality of non-geographic flight parameters include at least two of the following: a date, a time, a flight number, and a seat number. This limitation is met by the flight schedule database (240, Fig. 2) that contains flight information including departure date, flight number and flight times and the seat allocation database (245, Fig. 2) that contains seat information (see: column 7, lines 35-41 and column 10, lines 13-15).

As per claim 4, Walker et al. teaches the claimed plurality of non-geographic flight parameters further comprise one or more unspecified non-geographic flight parameters. The unspecified-time tickets meet this feature, by incorporating flexibility regarding the origin (if there are one or more airport in the area local to the traveler) and the destination (is there more

Art Unit: 3626

than one airport accessible for the traveler's ultimate destination) to select the best flight at a certain price. The origin and destination of the unspecified-time tickets are all examples of the geographic flight parameter (see: column 12, lines 28-44).

As per claim 5, Walker et al. teaches the claimed one or more unspecified non-geographic flight parameters comprise a range of possible values from which the one or more unspecified non-geographic flight parameters may be selected. This feature is met by the forecasted demand analysis database (230, Fig. 2) that contains information on each selling price for each fare for a given flight (see: column 7, lines 45-49).

As per claim 6, Walker et al. teaches the claimed plurality of geographic flight parameters comprise a departure location and a destination location. This limitation is met by the viewing of special fare listing information including specified destination location from a specified departure location (see: column 2, lines 30-35).

As per claim 7, Walker et al. teaches the claimed dependence between two or more of the plurality of geographic flight parameters. The unspecified-time tickets meet this feature, by incorporating flexibility regarding the origin (if there are one or more airport in the area local to the traveler) and the destination (is there more than one airport accessible for the traveler's ultimate destination) to select the best flight at a certain price (see: column 12, lines 28-44).

As per claim 8, Walker et al. teaches the claimed dependence comprises a maximum distance between the destination location and the departure location. The unspecified-time tickets meet this feature, by incorporating flexibility regarding the origin (if there are one or more airport in the area local to the traveler) and the destination (is there more than one airport accessible for the traveler's ultimate destination) to select the best flight at a certain price. The

Art Unit: 3626

origin and the destination (distance) of the airports are all taken into consideration when placing a traveler aboard a flight (see: column 12, lines 28-44).

As per claims 9-11, Walker et al. teaches the claimed dependence comprises a geographical region from which the departure location must be selected for a specified destination and the destination must be selected for a specified departure location. These features are met by viewing a list of special fares to a specific destination location and a specific departure location regarding a specific route (see: column 3, lines 12-23 and column 4, lines 38 42).

As per claim 14, Walker teaches the claimed printed receipt, the printed receipt including a first part for presentation to an airline and a second part for a customer's records, the printed receipt including, in printed form, the unique identifier, the plurality of non-geographic flight parameters, and the plurality of geographic flight parameters (see: column 6, lines 27-32).

As per claim 15, Walker teaches the claimed wherein said processor is further configured to issue an electronic receipt including, the identifier (see: column 15, lines 34-52).

As per claim 16, Walker teaches the claimed wherein the electronic receipt is an email receipt (column 5, lines 49-54).

11. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,897,620 to Walker et al. in view of U.S. Patent No 5,953,705 to Oneda

As per claim 12, Walker et al. teaches a system and method to create and sell unspecified-time airline tickets corresponding to a special fare (see: column 2, lines 25-29).

Walker et al. fails to teach the claimed configured to store data on a machine-readable, tangible medium.

Art Unit: 3626

Oneda teaches an airplane ticket system using IC cards (38, Fig. 2C) that are wallet-sized with a magnetic stripe (300, Fig. 2B) and a ten-key portion (308, Fig. 2B) for inputting a personal identification code (see: column 7, lines 66 to column 19).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to include the airplane ticket IC cards with a magnetic stripe as taught by Oneda within the unspecified-time airline tickets as taught by Walker et al. with the motivation of securing the identification of a traveler, thereby providing a fast and efficient way of for a traveler to board their flight.

As per claim 13, Walker et al. teaches a system and method to create and sell unspecified-time airline tickets corresponding to a special fare (see: column 2, lines 25-29).

Walker et al. fails to teach the claimed machine-readable, tangible medium stores an encoded representation of the identifier.

Oneda teaches an airplane ticket system using IC cards (38, Fig. 2C) that are wallet-sized with a magnetic stripe (300, Fig. 2B) and a ten-key portion (308, Fig. 2B) for inputting a personal identification code (see: column 7, lines 66 to column 19). Oneda also teach an IC card portion (312, Fig. 2C) on the IC card (38, Fig. 2C), which the Examiner considers to be similar to a bar code.

The motivation for combining the respective teachings of Walker et al. and Oneda are discussed above in the rejection of claim 12, and incorporated here.

Response to Arguments

Art Unit: 3626

12. Applicant's arguments filed 10/10/05 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 10/10/05.

(A) In the remarks Applicants argue in substance that, (1) Hawaii Air does not disclose a system by which a processor receives identifier submitted by a customer, generates signals used to present actual flights offered by participating airlines available for selection by the customer based on geographic and non-geographic flight parameter stored in a record, and books a flight as selected by the customer from among the presented flights; and (2) Neither Walker nor Hawaii Air teaches or suggest a system that present a customer with actual flight information for selection by the customer in booking a flight.

(B) In response to Applicants argument that, (1) Hawaii Air does not disclose a system by which a processor receives identifier submitted by a customer, generates signals used to present actual flights offered by participating airlines available for selection by the customer based on geographic and non-geographic flight parameter stored in a record, and books a flight as selected by the customer from among the presented flights. The Examiner respectfully submits Walker et al. teach a CPU (305, Fig. 3) that is coupled to an electronic mail processor (322, Fig. 3) for processing and storing e-mail message transmitted between the CPU (305, Fig. 3) and the various travel agents, airlines and the like (see: column 7, lines 61-65). In addition, Walker et al. teach a processor in communication with a memory device, where the processor is configured to: create a list for air travel, make special fare list available, determine which flight satisfy the user request, select a particular flight and provide notification of flight information (see: column 22, lines 32-47). In an alternative embodiment, Walker et al. also teaches traveler could directly

Art Unit: 3626

receive a verification code and which could be use to pick up a ticket at the airline's desk prior to departure (see: column 15, lines 40-49). The Examiner considers that the transmission of information to the various travel agents, airlines and the like as generating a signal of flight information from participating airlines, and Walker further teaches that this information can be sent directly to the traveler.

(C) In response to Applicants argument that, (2) Neither Walker nor Hawaii Air teaches or suggest a system that present a customer with actual flight information for selection by the customer in booking a flight. The Examiner respectfully submits that Walker et al. teach a processor in communication with a memory device, where the processor is configured to: create a list for air travel, make special fare list available, determine which flight satisfy the user request, select a particular flight and provide notification of flight information (see: column 22, lines 32-47). This clearly indicates that actual flight information is displayed for selection by the traveler to book a flight.

Conclusion

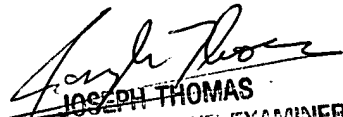
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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